

ORIGINAL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE YVONNE GONZALEZ ROGERS, JUDGE

UNITED STATES OF AMERICA,)	
)	STATUS CONFERENCE
PLAINTIFF,)	
)	
VS.)	NO. CR 14-00094YGR
)	
CLARENCE LEE ANDREWS,)	PAGES 1 - 5
)	
DEFENDANT.)	OAKLAND, CALIFORNIA
_____)	THURSDAY, MARCH 13, 2014

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFF: MELINDA L. HAAG, ESQ.
UNITED STATES ATTORNEY
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OAKLAND, CALIFORNIA 94612
BY: BRIGID S. MARTIN,
ASSISTANT UNITED STATES ATTORNEY

FOR DEFENDANT: BARRY J. PORTMAN
FEDERAL PUBLIC DEFENDER
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OAKLAND, CALIFORNIA 94607-3627
BY: ELLEN V. LEONIDA,
ASSISTANT FEDERAL PUBLIC DEFENDER

REPORTED BY: RAYNEE H. MERCADO
CSR. NO. 8258

PROCEEDINGS REPORTED BY ELECTRONIC/MECHANICAL STENOGRAPHY;
TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR (510) 451-7530

THURSDAY, MARCH 13, 2014

2:02 P.M.

P R O C E E D I N G S

THE CLERK: CALLING CRIMINAL ACTION 14-0094, UNITED STATES VERSUS CLARENCE LEE ANDREWS. IT'S A UNDER SEAL CASE. COUNSEL, PLEASE STATE YOUR APPEARANCES.

MS. MARTIN: GOOD AFTERNOON, YOUR HONOR. BRIGID MARTIN FOR THE UNITED STATES.

MS. LEONIDA: GOOD AFTERNOON YOUR HONOR, ELLEN LEONIDA FOR MR. ANDREWS. HE'S PRESENT IN CUSTODY.

THE COURT: GOOD AFTERNOON, EVERYONE. OKAY. MS. LEONIDA, WHERE DO WE STAND ON THIS CASE?

MS. LEONIDA: YOUR HONOR, MR. ANDREWS WOULD LIKE TO CHANGE HIS PLEA TO GUILTY TODAY.

THE CLERK: YOU DIDN'T TELL ME THAT.

MS. LEONIDA: WE HAD TO TALK ABOUT IT FIRST. I'M SORRY.

MS. MARTIN: I JUST LEARNED OF THIS ONE SECOND AGO.

THE COURT: WELL, THEN ARE YOU -- I CAN'T TAKE HIS PLEA RIGHT THIS SECOND.

MS. LEONIDA: OKAY.

THE COURT: SO I CAN DO A COUPLE OF THINGS. ONE IS I CAN FIND A MAGISTRATE JUDGE WHO WOULD BE WILLING TO DO IT, BUT YOU'RE HERE, I THINK, IN COURT ON A NUMBER OF MATTERS. OR HE CAN COME BACK TOMORROW AND DO IT, BUT IT'S NOT GOING TO HAPPEN RIGHT THIS SECOND.

1 **MS. LEONIDA:** I THINK TOMORROW'S FINE FOR ME.

2 **THE COURT:** DO I HAVE A PLEA AGREEMENT?

3 **MS. LEONIDA:** NO, YOUR HONOR.

4 **THE COURT:** OH, YOU WANT TO TAKE -- HE WANTS TO PLEAD
5 OPEN?

6 **MS. MARTIN:** WHICH IS WHY I DIDN'T -- I WAS NOT SURE.

7 **THE COURT:** OKAY. WELL, THEN I ALSO WANTED TO HAVE
8 AN APPLICATION DONE SO THAT -- WHEN CAN WE GET THEM NEXT ON?

9 **MS. LEONIDA:** CAN WE COME TOMORROW?

10 **THE COURT:** AND IS THIS STILL -- WELL, I DON'T KNOW.
11 ARE YOU GOING TO GET ME THE PAPERWORK ON TIME?

12 **MS. LEONIDA:** YES, I WILL.

13 **THE COURT:** WHAT -- IS THIS STILL UNDER SEAL? OR
14 HE'S PLEADING IN OPEN COURT?

15 **MS. MARTIN:** IT WOULD BE IN OPEN COURT. WE WOULD
16 CHANGE IT. WE COULD -- WE COULD UNSEAL -- WE MAY NOT WANT TO
17 UNSEAL ALL THE DOCUMENTS IN THE CASE, BUT WE COULD UNSEAL THE
18 INDICTMENT AND THE PLEA. HE COULD PLEAD IN OPEN -- HE WOULD
19 PLEAD IN OPEN COURT.

20 **THE COURT:** IS THERE A PARTICULAR NEED TO DO THIS
21 RIGHT THIS SECOND, MS. LEONIDA?

22 **MS. LEONIDA:** WE'RE ANXIOUS TO DO THIS AS SOON AS
23 POSSIBLE.

24 **THE COURT:** I HAVE TO LOOK AT MY CALENDAR FOR
25 TOMORROW.

1 **THE CLERK:** IT IS -- SORRY. THIS IS A SUPPLEMENT IN
2 ADDITION TO THE APPLICATION THAT HAS TO BE FILLED OUT. IT'S
3 ON -- NO, IT'S HERE.

4 **THE COURT:** WHAT DOES YOUR CALENDAR LOOK LIKE
5 TOMORROW?

6 **MS. MARTIN:** I AM -- I'M ON JUDGE TIGAR'S CALENDAR AT
7 9:30, AND THEN I HAVE SOMETHING LATER IN THE AFTERNOON. BUT I
8 COULD GET SOMEBODY TO COME COVER FOR ME IN THE MORNING, SO
9 PRETTY MUCH FREE ANY TIME. I CAN MAKE IT WORK ANY TIME.

10 **THE COURT:** I HAVE A PRETRIAL CONFERENCE THAT STARTS
11 AT -- I THINK I'M IN AT NINE FOR THAT, SO --

12 **THE CLERK:** NINE.

13 **THE COURT:** -- I COULDN'T DO IT -- THE EARLIEST I
14 COULD DO IT IS 11 -- I COULD DO IT AT 11:30.

15 **MS. LEONIDA:** THAT'S FINE FOR ME.

16 **MS. MARTIN:** THAT'S FINE, YOUR HONOR.

17 **THE COURT:** ALL RIGHT. WE'LL DO IT TOMORROW.

18 AND THE REQUEST TO UNSEAL THE PROCEEDINGS?

19 **MS. MARTIN:** YOUR HONOR, I WOULD MOVE TO UNSEAL THE
20 INDICTMENT. I WOULD NEED TO GO BACK AND LOOK AT OTHER
21 DOCUMENTS TO SEE IF THEY'RE APPROPRIATE TO BE UNSEALED. AT
22 THIS POINT, I -- I DON'T KNOW FOR SURE THAT -- THAT THE
23 GOVERNMENT WOULD BE OKAY UNSEALING THE REST OF THE DOCUMENTS.
24 BUT I COULD MOVE AT THIS TIME TO AT LEAST UNSEAL THE
25 INDICTMENT.

1 **THE COURT:** OKAY. SO THE INDICTMENT, THEN, IS
2 UNSEALED.

3 TOMORROW'S PROCEEDINGS, IS THERE A REQUEST TO HAVE THOSE
4 SEALED?

5 **MS. MARTIN:** NO, YOUR HONOR.

6 **MS. LEONIDA:** NO, YOUR HONOR.

7 **THE COURT:** ALL RIGHT. THOSE WILL SHOW UP AS AN OPEN
8 MATTER ON THE COURT CALENDAR. I WILL SEE YOU TOMORROW MORNING
9 AT 11:30. I NEED THAT DOCUMENT ASAP.

10 **MS. LEONIDA:** WE WILL -- WE'LL MAKE SURE THAT IT'S
11 FILLED OUT BEFORE THEN.

12 **THE COURT:** NOT BEFORE THIS. BEFORE MY 9:00 A.M.
13 PRETRIAL BECAUSE I HAVE TO LOOK AT --

14 **MS. LEONIDA:** I'LL GO FILL IT OUT.

15 **THE COURT:** OKAY. THANK YOU. WE'LL SEE YOU
16 TOMORROW.

17 **MS. MARTIN:** THANK YOU, YOUR HONOR.

18 (PROCEEDINGS WERE CONCLUDED AT 2:06 P.M.)

19 --000--

CERTIFICATE OF REPORTER

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR, RELATED TO,
NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN WHICH THIS
HEARING WAS TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY NOR
OTHERWISE INTERESTED IN THE OUTCOME OF THE ACTION.

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR

FRIDAY, MAY 1, 2015